

Decision 00-11-009 November 2, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pablo and Rubileen Chavez, dba of Airporter Corner Stone Express Service, for expansion of existing service areas to operate a passenger stage service between points within the counties of Alameda and Santa Clara, San Mateo, to Oakland International Airport, San Francisco International and San Jose International Airports.

Application 00-07-037
(Filed July 21, 2000)

O P I N I O N

Summary

This decision grants the application of Pablo and Rubileen Chavez (Applicant), husband and wife, pursuant to Pub. Util. Code § 1031 et seq., to extend their certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized to operate as an on-call PSC (PSC-12487) pursuant to Decision (D.) 99-09-005 between certain points in Santa Cruz County, on the one hand, and San Francisco International (SFO), San Jose International (SJC), and Monterey (MONT) Airports, on the other hand.

Applicant requests authority, as amended by their letters of September 6 and 15, 2000, to extend their service to include points in the counties of Alameda, Santa Clara, and San Mateo, on the one hand, and SFO, Oakland International Airport (OAK), and SJC, on the other hand. Applicant currently has two vans

available for service. The proposed fares between the extended points, shown in Exhibit B, range between \$15 (San Bruno - SFO) and \$90 (Half Moon Bay - OAK).

Notice of filing of the application appeared in the Commission's Daily Calendar on July 27, 2000. Applicant notified the affected airports and transit agencies. Applicant requests a waiver from the provisions of Rule 21 of the Commission's Rules of Practice and Procedure which require service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a notice to the four involved counties and eleven cities in the service area. Applicant said that all parties that have an interest in Commission proceedings subscribe to or have access to the Commission's Daily Calendar. We shall exercise the discretion accorded to us by Rule 87 and grant the waiver requested by Applicant because they will be providing on-call service, not scheduled service.

In Resolution ALJ 176-3044 dated August 3, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3044.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant is currently authorized to operate as an on-call PSC pursuant to D.99-09-005 between certain points in Santa Cruz County, on the one hand, and SFO, SJC, and MONT, on the other hand.

2. Applicant requests to extend their passenger stage authority, as amended by their letters of September 6 and 15, 2000, between points in the counties of Alameda, Santa Clara, and San Mateo, on the one hand, and SFO, OAK, and SJC, on the other hand.

3. Public convenience and necessity requires the proposed service.

4. No protest to the application has been filed.

5. A public hearing is not necessary.

6. Applicant requests a waiver of the notice requirements of Rule 21 of the Rules of Practice and Procedure as they have served notice to four counties, eleven cities, each of the affected airports and public transit operators, and the transportation planning agency in the service area.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application, as amended by letters received on September 6 and 15, 2000, should be granted.

2. The request to waive the notice requirements of Rule 21 should be granted.

3. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to Pablo Chavez and Rubileen Chavez (Applicant), husband and wife, authorizing them to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-12487 of Decision 99-09-005, is amended by replacing Original Page 3 with First Revised Page 3, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.

- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Applicant that their evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Applicant that their evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

5. The CPCN to operate as PSC-12487, granted herein, expires, unless exercised within 120 days after the effective date of this order.

6. The notice requirements of Rule 21 of the Commission's Rules of Practice and Procedure are waived as copies and notice of the application have been served upon parties that may have an interest in this proceeding.

7. The Application, as amended by letters of September 6 and 15, 2000, is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated November 2, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners

SECTION II. SERVICE AREA.

- A. 1. Cities of Santa Cruz, Capitola, Watsonville, Scotts Valley, and Felton in the County of Santa Cruz.
- 2. *Counties of Alameda, Santa Clara, and San Mateo.

- B. San Francisco International Airport (SFO).
San Jose International Airport (SJC).
Monterey Municipal Airport (MONT).
*Oakland International Airport (OAK).

SECTION III. ROUTE DESCRIPTIONS.

Route 1 – Santa Cruz – SFO/SJC/MONT

Commencing from any point as described in Section IIA1, then over the most convenient streets, expressways, and highways to SFO, SJC, or MONT.

*Route 2 –Alameda/Santa Clara/San Mateo - SFO/OAK/SJC

Commencing from any point as described in Section IIA2, then over the most convenient streets, expressways, and highways to SFO, SJC, or OAK.